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CLOSING SUMMARIES START IN SPY CASE

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SAN FRANCISCO, July 8 — Closing arguments began today in the espionage and tax fraud trial of Jerry A. Whitworth, with prosecutors struggling to overcome problems created by the wording of the Government's 13-count indictment.

After 11½ weeks of evidence from more than 150 witnesses, the principal issue for the jury is whether Mr. Whitworth passed classified Navy cryptographic data and messages with "intent and reason to believe" they would be used to the advantage of the Soviet Union, as the indictment states.

The broad espionage statute under which Mr. Whitworth is charged makes it illegal to pass military data to any foreign country with the intent that it be used to the advantage of that country or to the injury of the United States. But the Government's indictment specifically names the Soviet Union 30 times as the country it says Mr. Whitworth intended to aid.

Defense attorneys are expected to argue that prosecutors have not proved Mr. Whitworth knew the data he is accused of stealing from the Navy were being sold to Soviet agents. The cornerstone of the defense case has been that Mr. Whitworth believed the materials were destined for an ally of the United States.

20 Years of Navy Service

Mr. Whitworth, who retired from the Navy in 1963 as a chief petty officer after 20 years of service, was arrested in June 1985 and accused of stealing classified data and selling it to John A. Walker Jr., who has confessed heading a Soviet spy ring. The prosecutors charge that Mr. Whitworth, who was a Navy radioman with a top-secret security clearance, received \$332,000 for the data from Mr. Walker.

The eight counts of espionage and five of tax fraud carry a maximum sentence of seven life terms plus 27 years and a total of \$630,000 in fines.

Federal District Judge John P. Vukasin Jr. informed attorneys on June 25 that he would instruct the jury that, to have Mr. Whitworth found guilty of espionage, the Government must prove that Mr. Whitworth stole the Navy data and passed it to Mr. Walker with the knowledge that it was destined specifically for the Soviet Union.

Prosecutors won a delay in the proceedings to appeal Judge Vukasin's ruling, but last week the United States Court of Appeals for the Ninth Circuit declined to order the jury instruction changed.

In an agreement with the Government, Mr. Walker pleaded guilty to espionage charges in Baltimore last October, along with his son, Michael L. Walker, and agreed to become the key witness against Mr. Whitworth. Mr. Walker, a retired Navy warrant officer, is expected to be sentenced to life in prison in August. His plea bargain included a lesser sentence for his son, Michael Walker, who could have faced life in prison. The son, who was a yeoman aboard the aircraft carrier Nimitz at the time of his arrest in May 1985, is expected to receive a sentence of 25 years in prison.

Mr. Walker's older brother, Arthur J. Walker, was convicted of espionage in Norfolk, Va., last August for his role in the spy ring and has been sentenced to life in prison.

Walker's Testimony Crucial

John Walker's testimony was crucial to the Government's case against Mr. Whitworth because Mr. Walker was the only member of the spy ring to sell secrets to Soviet agents. The prosecutors charge that the primary motives of members of the spy ring was money.

Mr. Walker testified about recruiting Mr. Whitworth and about numerous meetings in which Mr. Walker said Mr. Whitworth passed classified data in exchange for money over a 10-year period. But Mr. Walker also said he never directly told Mr. Whitworth the stolen data were being bought by the Soviet Union.

He testified that "common sense" had told him Mr. Whitworth knew where the data were destined because no ally of the United States would have use for Navy cryptographic materials designed to keep the military's most closely guarded secrets from hostile foreign governments.

Letters Play Key Role

The burden of proving Mr. Whitworth knew the stolen data were being passed to the Soviet Union greatly increases the role played in the prosecution's case by a series of four anonymous letters.

The letters, which were received by the Federal Bureau of Investigation in San Francisco in 1984, describe a remorseful spy seeking to expose an espionage conspiracy in exchange for freedom from prosecution. The letters are signed "RUS. Somewhere. U.S.A."

The letters make it clear that the writer knew he was involved in espionage and knew, after a few years, that military data were being passed to the Soviet Union. The writer of the letters changed his mind about going to the Government with his information.

Judge Vukasin allowed the prosecutors to present the letters as evidence and argue that the "parallel characteristics" between the facts of the espionage conspiracy charged in the case and the one described in the letters proved that Mr. Whitworth wrote them.

Judge Vukasin has said he will instruct members of the jury that if they do not find Mr. Whitworth guilty of espionage, it may find him guilty of a lesser offense of passing classified military data to an unauthorized person. The charge carries a maximum sentence of 10 years in prison for each count. The instructions to the jury are expected to start Friday after three days of closing arguments.